

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 2-6 and 22-25 were previously cancelled. Claims 1, 7-21, and 26-32 are pending, of which claims 16-21 and 26-31 are withdrawn, and claims 1, 8, and 32 are amended. Claims 1 and 27 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Allowable Subject Matter

The Examiner states that claims 13-15 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph and rewritten in independent form.

Applicants thank the Examiner for the indication of allowable subject matter in this application. However, claims 13-15 have not been rewritten in independent form at this time, since it is believed that independent claim 1 as amended, from which these claims depend, is allowable.

Examiner Interview

If, during further examination of the present application, any further discussion with the Applicants' Representative would advance the prosecution of the present application, the Examiner is encouraged to contact Carl T. Thomsen, at 1-703-208-4030 (direct line) at his convenience.

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 1, 7-15 and 32 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

The Examiner has set forth certain instances wherein the claim language is not clearly understood.

With regards to claim 1, line 16, the Applicants believe that the Examiner may have misread this line. This line actually states "... said die members are in said closed position.... " (rather than "said die members are in closed position", as stated by the Examiner). The "said" before "closed position" means there is no ambiguity because "said closed position" is referring to back to the "closed position" introduced in line 10. It is not correct to interpret this line as "once said punch members are in said closed position", as the Examiner has done, because line 9 makes it clear that the "closed position" refers to the "die members".

The Applicants respectfully submit that the claims particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections Under 35 U.S.C. §102(b)

Claims 1, 7-12, and 32 stand rejected under 35 U.S.C. §102(b) as being anticipated by Shiokawa. (U.S. 2002/0044439).

This rejection is respectfully traversed.

Arguments Regarding Independent Claim 1

The Examiner has stated that **independent claim 1** is anticipated by Shiokawa (U.S. 2002/0044439). While the Applicants do not necessarily agree that Shiokawa anticipates claim 1,

nevertheless **independent claim 1** has been amended as shown above to more clearly differentiate claim 1 from Shiokawa.

The wording “said rack having a longitudinal axis and said toothed portion comprising teeth” has been added to the preamble of **independent claim 1** to provide a definite antecedent for the term “teeth” and to define an axis that is referred to further on in the amended claim. Support for the term “longitudinal axis” is given in the description at paragraph [0054] of the present specification (U.S. 2007/0079643 A1), and it refers to the broken line shown in Fig. 12 running the length of the rack 160, for example.

The word “exterior” has been added before “portions of said toothed portion” to further differentiate **independent claim 1** from Shiokawa. The Examiner has identified items 20A and 20B of Shiokawa as corresponding to the “first and second punch members” of **independent claim 1**. Items 20A and 20B of Shiokawa form the interior (rather than the exterior) of a hollow steering rack. The term “exterior portion” is clear from the description and figures of the present specification that the die members and punch members of the present invention all have forming surfaces that form the external surfaces (i.e. the “exterior”) of the toothed portion. For example, referring to Figs. 6a to 6d of the present specification (refer also to paragraph [0042] of the specification), items 58 correspond to the “punch members”, item 54 corresponds to the “first die member,” and item 56 corresponds to the “second die member”, of **independent claim 1**. Items 58, 54, and 56 have forming surfaces 79, 78, and 69 respectively that clearly form the exterior of the toothed portion 66.

The wording “teeth of said rack” has been changed to “said teeth” to refer to the term “teeth” now introduced by the amended preamble.

The wording “said first and second punch members being adapted to move towards each other along a second axis substantially perpendicular to said first axis” has been changed to “....along a second axis substantially perpendicular to both said first axis and said longitudinal axis” to further differentiate **independent claim 1** from Shiokawa. The Examiner has identified the horizontal axis of Fig. 2 of Shiokawa as corresponding to the “second axis” of **independent claim 1**. This horizontal axis is the longitudinal axis of the rack being formed in Shiokawa, and the items 20A and 20B (the “punch members” of Shiokawa) move along this longitudinal axis. In contrast, the “second axis” of the present invention is perpendicular to the “longitudinal axis” of the rack being forged. For example, referring to Figs 6a to 6d of the present specification, the horizontal axis in these figures corresponds to the “second axis” of **independent claim 1**. As can be seen in these figures, the “punch members” 58 move towards each other along this horizontal axis. The broken line in Fig. 7 shows the longitudinal axis of this rack. As such, the horizontal axis in Figs. 6a to 6d is clearly perpendicular to the longitudinal axis of the rack being forged.

The wording “forging longitudinal indentations on either side of said toothed portion” has been added to further differentiate **independent claim 1** from Shiokawa. Fig. 7 of the present specification shows an example rack having “longitudinal indentations” 72 (refer also to paragraph [0042] of the specification) formed by the “punch members” 58 (refer to Figs. 6a to 6d). Fig. 6C of Shiokawa shows the cross-section of a rack formed by the die apparatus disclosed therein, and this rack clearly does not have any “longitudinal indentations”.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in **independent claim 1** is not disclosed or made obvious by the prior art of record, including Shiokawa.

Therefore, **independent claim 1** is in condition for allowance.

Dependent Claims

The Examiner will note that dependent claims 8 and 32 have been amended.

For example, dependent claim 8 has been amended to include the additional wording “said wedge member having a wedge shape and being movable along an axis substantially parallel to said first axis”. As can be seen in Fig. 8 of the present specification (refer also to paragraph [0046]), the wedge members 89 in this example are clearly “wedge shaped” in the normal meaning of the word “wedge”. Also as can be seen in Fig. 8, the wedge members 89 are movable vertically, and the vertical direction in Fig. 8 corresponds to the “first axis” of the claims. Dependent claim 32 has been amended in a similar manner.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

All claims as previously presented are in condition for allowance

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) are respectfully requested.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

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Amendment dated May 21, 2010
Reply to Office Action dated March 25, 2010

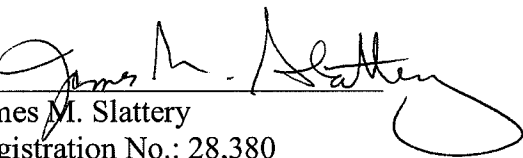
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Art Unit: 3725
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If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, she is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030(direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

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Respectfully submitted,

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